

# **RESPONSE TO FINAL OFFICE ACTION (Post RCE)**

SERIAL NO.: 09/208,696; APPLICANT: Yasuyuki Sekine; AU 3711

EXAMINER: Collins, D.; ATT'Y. DKT.: RM.HPK; FILED: December 10, 1998

## **R E M A R K S**

Amendments are presented herein to improve the form of the subject application and in response to the Examiner's comments in the above-identified Office Action.

### ***Status of the Claims***

Claims 2-4, 6, 7, and 11-15 were present in the case during the examination that resulted in the present action, all of which claims remain in the case.

### ***Applicant's Prior Arguments***

#### **THE EXAMINER'S REPONSE**

The Examiner states that, in summary, Applicant argued that the Sankyo K.K. reference fails to disclose the claimed correlation between:

- The preselected one of a plurality of symbols and the game state:

*Contrary to the aforementioned argument, the Examiner feels that all symbols on game machines, via programs or otherwise, correlate with the game state of the specific machine that it is associated with. Sankyo K.K.'s game machine is no different with respect to this teaching. Furthermore Kimura (a previously cited reference explicitly teaches the correlation of symbols and the game state.*

- The discernability of the preselected one of the plurality of symbols and the rate of presentation of the symbols during the moving indication:

*It is inherent that reel/wheels of game machines or other such equipment move, turn or spin. The rate of presentation of the symbols thereon is relative to the rate of motion. The ability to view such symbols in motion will, according to the Examiner,*

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*depend on who is viewing the reel/wheel motion. Applicant's argument as to why/how fast his reel spins and players response seems no different to the spinning of any other reel/wheel in game machines and players individual ability to respond to such.*

- The actuatability of the player-actuatable stop arrangement in response to the discernment of the preselected one of the plurality of symbols:

*The Examiner feels that this feature is well known in the art and is explicitly shown in the reference to Kimura, The Examiner directs Applicant's attention to the Abstract and to claim 1.*

### **APPLICANT'S COMMENTS ON THE EXAMINER'S RESPONSE**

In regard of the Examiner's comments on Applicant's prior arguments, Applicant respectfully asserts that all of the areas of commentary by the Examiner have been considered and are addressed herein. With respect to the Examiner's assertion that every symbol relates to a game state, Applicant has amended independent claim 11 to specify that in the present invention there are a multiplicity of game states correspondingly associated with the various symbols, that a plurality of the game states are winning game states, and that the remaining game states are not winning game states.

With respect to the Examiner's assertion that the ability to view symbols in motion will depend on who is viewing the reel/wheel motion, Applicant has amended the claim to specify with greater precision that the sequential replication of a symbol defines the symbol as the preselected symbol and enhances the likelihood that the preselected symbol will be perceived by the player. The invention therefore, is not based on ensuring that, when the display is moving, all players are unable to identify the preselected symbol but for it being sequentially replicated, but instead is related to the

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preselected symbol being identified by sequential replication, and its perceptibility being enhanced by such replication.

Finally, with respect to the stop arrangement described in the Kimura reference, it is noted that stop timing in the known system is facilitated for the purpose of assisting play by the unskilled player with the use of "sounds or light emitted from lamps" (see, column 1, line 67). The reference fails to teach or suggest the use of a symbol that is visually enhanced by sequential replication to achieve a winning condition or to avoid a losing condition, as will be described below.

The foregoing notwithstanding, the Examiner has rejected the claims as follows:

### ***Claims Rejection - 35 U.S.C. § 102(b) or 35 U.S.C. § 103***

#### **CLAIMS 11, 2-4, 6, 7 & 12-15 UNDER 35 U.S.C. § 102(B) OR 35 U.S.C. § 103(A)**

Claims 11, 2-4, 6, 7 & 12-15 stand rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Japanese Patent No. JP 405,068,733 ("Sankyo K.K.").

According to the Examiner, Sankyo K.K. discloses, as the invention, a Game Machine. In regard of the slot machine aspect of this known game machine, the reference, according to the Examiner, teaches a display that has two or more identical symbols appearing serially, as shown in the main figure of the disclosure.

The Examiner continues by stating that the Sankyo K.K. reference discloses the claimed (display) invention with the exception of the teaching of two or more identical special symbols in all three columns. According to the Examiner, it would have been obvious to one of ordinary skill in the art at the time of the invention to duplicate the teaching of two or more identical special symbols shown in the right and left columns (drums) as shown in the aforementioned figure, since

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it has been broadly held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Additionally, the serially appearing symbols of Sankyo K.K.'s disclosure could, according to the Examiner, be considered special for the purpose of this invention.

### **CLAIMS 11, 2-4, 6, 7 & 12-15 UNDER 35 U.S.C. § 103(A)**

Claims 11, 2-4, 6, 7 & 12-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 4,618,150 ("Kimura") in view of the Sankyo K.K. reference.

In addition to the aforementioned teachings of the Sankyo K.K. reference, Kimura is believed by the Examiner to disclose a Game Machine With Selective Stop Means For Moving display. The Examiner continues the remarks by stating that the Kimura reference explicitly teaches spinning reels, symbols associated with the state of the game and reels controlled by the player (see abstract and claim 1).

The Examiner concludes that it would have been obvious to include the teaching of Sankyo K.K.'s reel design to the machine of Kimura. This modification would be considered a mere matter of design choice (since the Examiner believes that the Sankyo K.K. reference implicitly teaches all the other features of a regular game machine) and, according to the Examiner, would be recognized as being within the level of one of ordinary skill in the art.

### ***Applicant's Response***

First, it is respectfully asserted that the Sankyo K.K. and Kimura references do not teach or suggest the invention claimed in the present application prior to the amendments presented herein. In this regard, Applicant incorporates herein the arguments previously asserted during the present prosecution. Nevertheless, in an effort to expedite the present prosecution, Applicant has amended

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the claims, without prejudice and without intending to diminish the scope of the claims, to specify the invention with greater precision. The present amendment is presented post RCE, and therefore the examination of the claims is requested to be performed by the Examiner in a non-final mode.

Amended independent claim 11, in clean form (see, Annexure 1 to view the specific amendments), specifies as follows:

11. (Currently Amended) A gaming machine for the playing of a game by a player, the game having a multiplicity of possible game states each corresponding to at least one of a plurality of symbols, a plurality of such game states constituting a corresponding plurality of predetermined game win states each associated with a win condition, and the remaining game states each corresponding to a predetermined game loss state, the gaming machine comprising:

a display portion having a winning line, the display portion providing moving and stopped indications for the plurality of symbols;

a first display element viewable in said display portion for presenting the plurality of symbols in a predetermined display sequence at a determined display rate, a preselected one of the plurality of symbols being presented twice in succession in the predetermined display sequence to enhance the likelihood that the preselected one of the plurality of symbols will be distinguishable by the player at the determined display rate during the moving indication; and

a player-actuable stop arrangement for enabling the player to initiate a stop indication of the predetermined display sequence in response to the player distinguishing the preselected one of the plurality of symbols, whereby one of the plurality of symbols will be stopped on the winning line of the display portion.

Let us consider amended independent claim 11 in the context of an embodiment of the invention wherein there is but one spinning reel of images. Referring, for the moment, to the preamble of claim 11, each symbol on the reel will correspond to one of the "multiplicity of possible game states." However, some ("a plurality") of the game states will correspond to "predetermined game win states." This aspect of the claim is supported in the specification, illustratively in Fig. 8 and its associated text where it is stated (Page 14, lines 20-23) that "*Fig. 8 is a specific illustrative example of an award table showing a plurality of symbol combinations that form winning patterns. This figure also shows an example of a scheme of allotment number of medals that are associated*

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*with respective wins. In a preferred embodiment, this table is displayed on cabinet 2 of slot machine 1 at a position convenient for the player to see.*" (Emphasis Added) Thus, although the table of Fig. 8 is directed to an embodiment of the invention having three display elements (*i.e.*, reels), a single reel embodiment is amply supported and does not constitute new matter. Moreover, it is clear that the player will, when playing the game, be well-aware of the game states desired to be achieved.

The first clause of the claim specifies that there is provided "a display portion having a winning line, the display portion providing moving and stopped indications for the plurality of symbols." This element of the claimed combination, which permits the moving indication to be viewed by the player and identifies the selected symbol when the reel has stopped, has been present in the specification, figures, and claims of the present case since the filing thereof.

The second clause states that there is provided "a first display element" (*i.e.*, a rotatable reel) that is "viewable in said display portion for presenting the plurality of symbols," as previously noted. The symbols are presented "in a predetermined display sequence at a determined display rate."

The clause continues by specifying that the "preselected one of the plurality of symbols ... [is] .. presented twice in succession in the predetermined display sequence to enhance the likelihood that the preselected one of the plurality of symbols will be distinguishable by the player at the determined display rate during the moving indication." First, it is to be noted that the presentation of the preselected symbol twice in succession will enhance the ability of the player to perceive this symbol during rotation. Some players who are gifted and capable in terms of visual perception will perceive each symbol during rotation of the reel, others will not perceive the preselected symbol but for it being presented plural times in succession, and yet other players may not perceive even the

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plural sequential presentation of the preselected symbol. The element of player skill notwithstanding, the plural sequential presentation of the preselected symbol, is required in accordance with the invention to establish which of the multiplicity of symbols is the preselected symbol.

Second, the preselected symbol is not necessarily one of the plurality of symbols that corresponds to a "win condition." The purpose of the preselected symbol in the condition of sequential replication serves as a timing mark during the rotation of the reels that will facilitate the player to time with accuracy the actuation of the stop button to stop the reel on a desired symbol. This timing aspect of the invention is clearly described in the specification, for example at page 5, line 2, when player timing is intended to achieve a winning stop action, and at page 5, lines 5-8 when it is desired to time the stop operation to avoid a losing condition. In the specific situation where the preselected symbol also happens to be one of the symbols associated with a winning game state, the player would desire to stop the preselected symbol itself on the winning line of the display. This effort on the part of the player to achieve a double win ("double TENPAI") is described in the specification at page 12, line 6 to page 13, line 2. The highly advantageous triple win ("triple TENPAI") is described in the specification at page 13, lines 8 to 14.

Referring now to another example of the foregoing, it is seen in the award table of Fig. 8 that three bells 201 constitute a winning game state. It is seen in Fig. 6 that a bell has been stopped in each of reels 4L and 4C. It is therefore desirable for the player to stop reel 4R at a bell. Therefore, for example, if reel 4R of Fig. 6 were to have the symbol sequence of reel sheet 100R in Fig. 1, the player would use the sequentially replicated cherry symbols 103 to effect the timing of the stop

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operation, with the intention of stopping a bell on winning line 5C for reel 4R in Fig. 6, and thereby achieve the three bells 201 winning game state of Fig. 8. Thus, the sequentially replicated cherry symbols 103 are not themselves in the winning game state, but instead serve to enable the timing of the stop operation by the player.

Thus, it is clear that the preselected symbol, and its sequentially replicated presentation, are part of a player stop action timing system that is not even suggested in any combination of the Sankyo K.K. or Kimura references. In addition, and as previously noted during prosecution of the present case, no such replication of symbols in the references is understood to be useful to assist the player in achieving or avoiding a game state. Additionally, the references fail to suggest that the sequential replication of the symbol is related to enhancing discernability of the sequentially replicated symbol at any given rate of presentation. Moreover, none of the references of record suggest the concept of employing a multiply replicated symbol as a timing mark that would be useful during the time that the display is moving. Clearly, amended independent claim 11 specifies subject matter that, in addition to its being supported in the specification and not requiring any additional search or consideration on the party of the Examiner, is not taught or suggested by the prior art of record.

The use of the timing mark (*i.e.*, the sequentially replicated preselected symbol) for assisting the player to time a stop operation is specified in the third clause of amended independent claim 11. This clause recites that there is provided “a player-actuable stop arrangement for enabling the player to initiate a stop indication of the predetermined display sequence . . .” In addition, the claim specifies that such actuation is performed “in response to the player distinguishing the preselected

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one of the plurality of symbols, whereby one of the plurality of symbols will be stopped on the winning line of the display portion.” Clearly, the timing and symbol recognition concepts of the present invention are recited so as to be pointed out distinctly and with particularity.

In regard of the Examiner’s assertion that the sequentially replicated symbols in the Sankyo K.K. reference “could” be special in the context of the system described in the Sankyo K.K. reference, it is respectfully asserted that there is no teaching that such symbols are special, and neither is there even a suggestion as to why such symbols should be considered to be special. Additionally, there is no motivation in the Kimura reference to render any specific symbols to be special. There is clearly no suggestion in the references that the sequentially replicated special symbols could serve as a timing mark in a moving indication, that would be useful to a player to help him or her time the stop operation.

Finally, Applicant has added new claim 16. This claim is directed to an embodiment of the invention wherein a game state is formed by a combination of more than one symbol, as indicated in Fig. 8 of the present patent application. This new claim therefore specifies two display elements, each with an associated player-actuatable stop arrangement. This subject matter, of course, does not constitute new matter as it has been in the case since the time of the filing, and will not require additional search or consideration by the Examiner. In this regard, it is noted that the prior art applied by the Examiner is characterized by plural display elements, but such art does not teach or suggest the invention claimed in new claim 16 for the reasons set forth hereinabove in connection with independent claim 11.

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### ***Conclusion***

Applicant respectfully asserts that the foregoing amendments and arguments overcome the Examiner's rejection of claims 2-4, 6, 7, and 11-15 under 35 U.S.C. § 102(b) or, in the alternative, under 35 U.S.C. § 103(a) over the Sankyo K.K. and Kimura references, and that all such claims are in allowable condition. In addition, it is respectfully asserted that all amendments presented herein are supported by the specification and do not constitute new matter. Moreover, no additional search or consideration will be required on the part of the Examiner.

In view of the foregoing, it is respectfully requested that the Examiner reconsider the present application, allow the claims, and pass the application for issue. If the Examiner believes that the prosecution of this case can be expedited by a telephone interview, the Examiner is requested to call attorney for Applicant at the telephone number indicated hereinbelow.

Respectfully submitted,



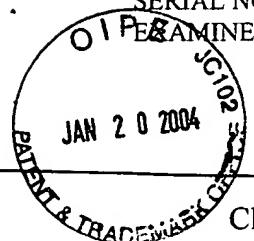
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**Annexure 1 - Claims Rewritten to Show Amendments**

Claim 1. (Canceled)

Claim 2. (Previously Amended) The gaming machine according to claim 11, wherein  
the predetermined condition of the game corresponds to a loss for the player.

Claim 3. (Previously Amended) The gaming machine according to claim 11, wherein  
the predetermined condition of the game corresponds to a win for the player.

Claim 4. (Currently Amended) The gaming machine according to claim 11, wherein  
there are further provided second and third display elements viewable in said display portion for  
presenting display sequences of respective second and third pluralities of symbols in respective  
predetermined display sequences at respective determined display rates ~~that are sufficiently fast that~~  
~~the player will not readily distinguish a singular presentation of any of the symbols,~~ preselected  
second and third symbols of respectively associated ones of said second and third pluralities of  
symbols are each correlated to a respective associated one of the second and third ones of the  
~~plurality of game states, two of each of the second and third preselected symbols of the second and~~  
~~third pluralities of symbols being presented twice in succession in respective ones of said second and~~  
third display elements.

Claim 5. (Canceled)

Claim 6. (Previously Amended) The gaming machine according to claim 4, wherein  
at least one of the preselected second and third symbols is distinguished by a special appearance that  
differs from that of the other symbols.

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Claim 7. (Previously Amended) The gaming machine according to claim 11, wherein at least one of the preselected second and third symbols is presented three times in succession.

Claims 8-10 (Canceled)

Claim 11. (Currently Amended) A gaming machine for the playing of a game by a player, the game having a multiplicity of possible game states each corresponding to at least one of a plurality of symbols, a plurality of such game states constituting a corresponding plurality of predetermined game win states each associated with a win condition, and the remaining game states each corresponding to a predetermined game loss state, the gaming machine comprising:

a display portion having a winning line, the display portion providing moving and stopped indications ~~of a for the~~ plurality of symbols, ~~a preselected one of the plurality of symbols being correlated to an associated one of the plurality of predetermined game states;~~

a first display element viewable in said display portion for presenting the plurality of symbols in a predetermined display sequence at a determined display rate, ~~a during the moving indication that is sufficiently fast that a player will not readily distinguish a singular presentation of any of the plurality of symbols, the preselected one of the plurality of symbols being presented twice in succession in the predetermined display sequence so as to enhance the likelihood that the preselected one of the plurality of symbols will be distinguishable by the player at the determined display rate during the moving indication; and~~

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a player-actuatable stop arrangement for enabling the player to initiate a stop indication of the predetermined display sequence in response to the player distinguishing the preselected one of the plurality of symbols, whereby one of the plurality of symbols will be stopped on the winning line of the display portion.

Claim 12. (Previously Added) The gaming machine of claim 11, wherein the preselected one of the symbols has a special appearance that is distinguishable from the appearances of the others of the plurality of symbols.

Claim 13. (Previously Added) The gaming machine of claim 11, wherein the preselected one of the symbols has a special color that is distinguishable from the color of the others of the plurality of symbols.

Claim 14. (Previously Added) The gaming machine of claim 11, wherein the preselected one of the symbols has a special size that is distinguishable from the size of the others of the plurality of symbols.

Claim 15. (Previously Added) The gaming machine of claim 11, wherein the preselected one of the symbols is arranged to stop in response to said player-actuatable stop arrangement in a displaced relation with respect to the winning line of the display portion that is distinguishable from the displaced relation with respect to the winning line of the display portion at which the others of the plurality of symbols are stopped.

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Claim 16. (New) A gaming machine for the playing of a game by a player, the game having a multiplicity of possible game states each corresponding to a pair of a plurality of symbols, a plurality of such game states constituting a corresponding plurality of predetermined game win states each associated with a win condition, and the remaining game states each corresponding to a predetermined game loss state, the gaming machine comprising:

a display portion having a winning line, the display portion providing moving and stopped indications for the plurality of symbols;

a first display element viewable in said display portion for presenting the plurality of symbols in a predetermined display sequence at a determined display rate, a first preselected one of the plurality of symbols being presented twice in succession in the predetermined display sequence to enhance the likelihood that the first preselected one of the plurality of symbols will be distinguishable by the player at the determined display rate during the moving indication;

a first player-actuable stop arrangement for enabling the player to initiate a stop indication of the predetermined display sequence of the first display element in response to the player distinguishing the first preselected one of the plurality of symbols, the initiation of the stop indication being timed by the player in response to the player distinguishing the first preselected one of the plurality of symbols to cause one of the plurality of symbols included in a game win state to be stopped on the winning line of the display portion;

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a second display element viewable in said display portion for presenting the plurality of symbols in a second predetermined display sequence at a determined display rate, a second preselected one of the plurality of symbols being presented twice in succession in the predetermined display sequence to enhance the likelihood that the second preselected one of the plurality of symbols will be distinguishable by the player at the determined display rate during the moving indication;

a second player-actuatable stop arrangement for enabling the player to initiate a stop indication of the predetermined display sequence of the second display element in response to the player distinguishing the second preselected one of the plurality of symbols, the initiation of the stop indication being timed by the player in response to the player distinguishing the second preselected one of the plurality of symbols to cause one of the game win states to be stopped on the winning line of the display portion.

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